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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,394

04/09/2004

Anders Landin

5181-95101

1590

58467

7590

10/31/2008

MHKKG/SUN

P.O. BOX 398

AUSTIN, TX 78767

EXAMINER

PATEL, KAUSHIKKUMAR M

ART UNIT

PAPER NUMBER

2188

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/821,394	<b>Applicant(s)</b> LANDIN ET AL.	
	<b>Examiner</b> Kaushikkumar Patel	<b>Art Unit</b> 2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to applicant's communication filed July 28, 2008 in response to PTO Office Action mailed April 29, 2008. The applicant's remarks and amendments to the claims and/or specification were considered with the results that follow.

2. In response to last Office Action, no claims have been amended. No claims have been canceled. No claims have been added. As a result, claims 1-44 remain pending in this application.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1, 15, 31 and 44 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 31-43 are rejected under 35 U.S.C. 101 because claimed subject matter failed to produce useful and concrete results. As claimed in claim 31, an interface is configured to send a second type of address packet if the global coherency state of the coherency unit in the node is not the modified state and if the given active device has ownership responsibility, the active device ignores the second type of address packet.

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Here it is noted that the active device ignores the second type of address packet, such that no useful results are being produced in response to the second type of address packet because claim fails to provide any other action and mere ignoring the second type address packet does not produce any useful and tangible results. Further as claimed, if the global coherency state is invalid state, then no device (including memory) has valid data and therefore sending the second type of address packet will not produce any results at all. Thus, claims 31-43 are rejected under 35 U.S.C. 101 as non-statutory for failing to produce concrete and useful results.

### ***Double Patenting***

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-42 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-32 of copending Application No. 10/821372. Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

<p>App. No. 10/821,394</p> <p>Claim 1. A system, comprising:</p> <p>        a node including one or more active devices, an interface, and an address network configured to transmit address packets between the one or more active devices and the interface; and</p> <p>        an additional node coupled to the node by an inter-node network, wherein the additional node includes an additional address network;</p> <p>        wherein a given active device having an ownership responsibility for a coherency unit is configured to respond to certain access right requests;</p> <p>        wherein in response to receiving</p>	<p>App. No. 10/821,372</p> <p>Claim 1. A system, comprising:</p> <p>        a node including an active device, and an interface interconnected by an address network and a data network that is separate from the address network;</p> <p>        an additional node coupled to send a coherency message to the interface via an inter-node network, wherein the coherency message requests an access right to a coherency unit;</p> <p>        wherein in response to the</p>
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<p>from the additional node via the inter-node network, a coherency message requesting an access right to a coherency unit, the interface is configured to send a first type of address packet on the address network if a global access state of the coherency unit in the node is a modified state and to send a second type of address packet on the address network if the global access state of the coherency unit in the node is not the modified state; and</p> <p>wherein if the given active device has an ownership responsibility for the coherency unit, the given active device is configured to ignore the second type of address packet and to respond to the first type of address packet.</p> <p>Claim 6. The system of claim 3, wherein the node includes a memory subsystem configured to send data corresponding to the coherency unit to the interface in</p>	<p>coherency the interface is configured to send a first type of address packet on the address network if a global access state of the coherency unit in the node is a modified state and to send a second type of address packet on the address network if the global access state of the coherency unit in the node is not the modified state;</p> <p>wherein in response to the second type of packet, the system memory is configured to send a data packet corresponding to the coherency unit on the</p>
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response to the proxy read-to-share packet.	data network, regardless of whether the system memory has an ownership responsibility for the coherency unit.
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It is entirely clear from above comparison that the claims in App. No. 10/821,372 expressly fails to teach, the active device ignores the second type of address packet, however it is entirely clear to one having ordinary skill in the art at the time of the invention that as claimed in claim 1 of App. No. 10/821,372 the memory is configured to send a data packet corresponding to the second type of address packet, and as claimed in claim 6 of present application, the active device ignores the second type of packet and the memory system responds by sending the data, where it can be inferred in the claim 1 of 10/821,372 that since memory is responding, the active device ignores the second type of the packet.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rowlands (US 2003/0217234) teaches a multi-node system, where the ownership of a coherency unit is transferred in response to the address packet in intra-node basis and the transfer of ownership of coherency unit occurs responsive to data in the inter-node basis.

Donaldson et al. (US 5,297,269) teaches multi-processor system, where the owner ignores the command issued by the requesting processor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaushikkumar Patel whose telephone number is (571)272-5536. The examiner can normally be reached on 7.30 am - 4.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hyung S. Sough/  
Supervisory Patent Examiner, Art Unit 2188  
10/26/08

Kaushikkumar Patel  
Examiner  
Art Unit 2188

/kmp/



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